

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

Note:- There is one Extraordinary issue to the Official Gazette Series II, No. 26 dated 28-9-2000 namely: Extraordinary dated 29-9-2000 from pages 807 to 808 regarding Corrigenda from Department of Elections (State Election Commission).

### GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Coop. Societies

#### Order

No. 19/4/2000/STHMS/TS/RCS

- Read: 1) Order No. 19/4/2000/STHMS/TS/RCS/dated 31-7-2000 appointing Shri Anil K. N. Dessai, Sr. Auditor/Inspector, South Zone, Margao as a Administrator of Sanguem Taluka Co-operative House Mortgage Society Ltd., Sanguem Goa in terms of clause (e) (ii) of Sub-Clause (1) of Section 77 (A) of Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa.
- 2) Letter No. 9-27-86/ARSZ/HSG/387 dated 25-8-2000 received from Asstt. Registrar of Coop. Societies, South Zone, Margao.

In partial modification of this office order of even number dated 31-7-2000 referred to (1) above and in exercise of the powers vested in me under section 77(A) of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa, I, Shri D. C. Sahoo, Registrar of Co-operative Societies, Goa hereby appoint Shri U. P. Gaonkar, Sr. Auditor/Inspector/ S.R.O. Coop. Societies, South Zone, Margao as an Administrator of Sanguem Taluka Co-operative House Mortgage Society Ltd., Sanguem Goa in place of Shri Anil K. Naik Desai, Sr. Auditor, appointed vide order referred to above.

D. C. Sahoo, Registrar of Coop. Societies.

Panaji, 30th August, 2000.

#### Order

No. 21-3-96-TS-Credit-CZ-RCS/69

Read:- This office Order No. 21-3-96-TS-Credit-CZ-RCS dated 2-12-1999 superseding the Managing Committee of M. R. F. Employees Coop. Credit Society Ltd., Ponda Goa and appointing a Committee of Administrators consisting of two persons in terms of Section 78 of the Maharashtra Coop. Societies Act, 1960 as in force in the State of Goa read with Rule 61 of Co-operative Societies Rules, 1962, to Manage the affairs of the society for a period of one year.

In partial modification of this office order of even number dated 2-12-1999, referred to above and in exercise of the powers vested in me under Section 78 of the Maharashtra Co-operative Societies Act, 1960, as in force in the State of Goa read with Rule 61 of the Coop. Societies Rules, 1962, I, Shri C. J. Kamble, Registrar of Coop. Societies, Goa hereby appoint Shri Jaivant Tukaram Adpaikar, Shantinagar, Ponda-Goa as one of the members of Committee of Administrators of the M. R. F. Employees Coop. Credit Society Ltd., Ponda in place of Shri Shankar R. P. Usgaonkar, appointed vide order referred to above.

This order shall come in force with immediate effect.

C. J. Kamble, Registrar of Coop. Societies.

Panaji, 25th September, 2000.

#### Order

No. 21-4-96-TS-HSG-CZ-RCS

- Read: 1) This office Order No. 21-4-96-TS-HSG-CZ-RCS dated 14-7-1999.
- 2) This office order No. 21-4-96-TS-HSG-CZ-RCS dated 8-9-1999.

- 3) Letter No. 13/172/ARCS/CZ/0345 dated 13-9-2000 from the Asstt. Registrar of Coop. Societies, Central Zone, Panaji requesting to extend the period of Administrator of Shangri-La Apartments Coop. Housing Society Ltd., Miramar, Panaji.

By virtue of the powers vested in me under Sub-Section (1) of Section 77 (A) of the Maharashtra Co-operative Societies Act, 1960 as in force in this State, I, Shri C. J. Kamble, Registrar of Coop. Societies, Goa hereby extend the period of Administrator of Shangri-La Apartments Coop. Housing Society Ltd., Miramar, Panaji for a further period of 6 months from 15-7-2000. The Administrator shall ensure that election to the Managing Committee of the society is held at the earliest possible and the charge of the society is handed over to the elected Managing Committee before expiry of term of Administrator.

C. J. Kamble, Registrar of Co-operative Societies.  
Panaji, 25th September, 2000.

### Department of Elections

State Election Commission

#### Notification

No. SEC/Mun-Elect/4/2000/

I, Prabhakar Timble, Commissioner of State Election Commission, under the powers delegated to me under section 36 of Goa Municipalities Act, 1968 (Act No. 7 of 1969), hereby authorise all the Returning Officers appointed for the purpose of conducting the election to Municipal Councils of Pernem, Bicholim, Bardez, Satari, Sanguem, Mormugao, Quepem, Salcete, Canacona, Cacora-Curchorem as the authorised Officers for the purpose of requisitioning of premises, staff vehicles, etc. for the said election.

This Order will come into effect from the date of appointing the above officials as the Returning Officers for conducting elections to the said Municipal Councils.

Prabhakar Timble, Commissioner, State Election Commission.

Panaji, 28th September, 2000.

### Department of Education, Art and Culture

Directorate of Education

Goa Board of Secondary and Higher Secondary Education

#### Notification

No. GBSHSE/Brd-Elc/2000/3526

In pursuance of sub-rule (1) of rule 7 of the Goa, Daman and Diu Secondary and Higher Secondary

Education Board Members' Election Procedure Rules, 1979, it is hereby notified that an election to elect members referred to in clauses (iii) (a) and (b), (iv), (v), (vi) and (vii) of Class B-Elected Members under sub-section (1) of section 12 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Act 13 of 1975), shall be held on **17th December, 2000** (Sunday), from 10.00 a.m. to 5.00 p.m.

Neela G. Kerkar, Returning Officer.

Alto Betim: 22nd September, 2000.

### Department of Finance

Revenue and Expenditure Division

#### Notification

No. 5/22/2000-FIN (R&C)

Read: Government Order No. 6/3/81-PER (Vol. VIII) dated 17-8-2000.

In exercise of the powers conferred by sub-section (1) of section 3 of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter called the "said Act"), the Government of Goa hereby appoints Shri A. T. Kamat, as Commissioner of Sales Tax, for the purposes of the said Act, with immediate effect, until further orders.

By order and in the name of the Governor of Goa.

Yvonne Cunha, Under Secretary (Finance-Exp.).

Panaji, 22nd September, 2000.

#### Notification

No. 5/22/2000-FIN (R&C)

Read: Government Order No. 6/3/81-PER (Vol. VIII) dated 17-8-2000.

In exercise of the powers conferred by sub-section (1) of section 3 of the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988 (Goa Act 17 of 1988) (hereinafter called the "said Act"), the Government of Goa hereby appoints Shri A. T. Kamat, as Commissioner of Luxury Tax, for the purposes of the said Act, in the whole of the State of Goa, with immediate effect, until further orders.

By order and in the name of the Governor of Goa.

Yvonne Cunha, Under Secretary (Fin-Exp.).

Panaji, 22nd September, 2000.

#### Notification

No. 5/22/2000-FIN (R&C)

Read: Government Order No. 6/3/81-PER (Vol. VIII) dated 17-8-2000.

In exercise of the powers conferred by sub-section (1) of section 2A of the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter called the "said Act"), the Government of Goa hereby appoints Shri A. T. Kamat, as Commissioner of Entertainment Tax, for the purposes of the said Act, with immediate effect, until further orders.

By order and in the name of the Governor of Goa.

*Yvonne Cunha*, Under Secretary (Fin-Exp.).

Panaji, 22nd September, 2000.

#### Notification

No. 6/3/98-FIN (R&C)

Read: Government Order No. 6/3/81-PER (Vol.VII) dated 17-8-2000.

In exercise of the powers conferred by sub-section (2) of section 3 of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter called the "said Act"), the Government of Goa hereby appoints Shri Vallabh K. Kamat, as Assistant Commissioner of Sales Tax, for the purposes of the said Act, with immediate effect, until further orders.

By order and in the name of the Governor of Goa.

*Yvonne Cunha*, Under Secretary (Finance-Exp.).

Panaji, 25th September, 2000.

#### Notification

No. 6/3/98-FIN (R&C)

Read: Government Order No. 6/3/81-PER (Vol.VII) dated 17-8-2000.

In exercise of the powers conferred by sub-section (2) of section 2A of the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act 2 of 1964), (hereinafter called the "said Act"), the Government of Goa hereby appoints Shri Vallabh K. Kamat, as Assistant Commissioner of Entertainment Tax, for the purposes of the said Act, with immediate effect, until further orders.

By order and in the name of the Governor of Goa.

*Yvonne Cunha*, Under Secretary (Finance-Exp.).

Panaji, 25th September, 2000.

#### Notification

No. 6/3/98-FIN (R&C)

Read: Government Order No. 6/3/81-PER (Vol.VII) dated 17-8-2000.

In exercise of the powers conferred by sub-section (2) of section 3 of the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988, (Goa Act 17 of 1988) (hereinafter called the "said Act"), the Government of Goa hereby appoints Shri Vallabh K. Kamat, as Assistant Commissioner of Luxury Tax, for the purposes of the said Act, in the whole of the State of Goa, with immediate effect, until further orders.

By order and in the name of the Governor of Goa.

*Yvonne Cunha*, Under Secretary (Finance-Exp.).

Panaji, 25th September, 2000.

#### Directorate of Accounts

#### Order

No. DA/Admn/45-4/2000-2001/TR-1508/75

Read: 1. Government Order No. DA/Admn/45-4/99-2000/TR-1381/97 dated 30-9-99.

The deputation period of Shri R. R. Naik, Joint Director of Accounts of the Common Accounts Cadre presently on deputation to Goa Industrial Development Corporation Ltd. Panaji (A Government of Goa Undertaking) as Chief Accounts Officer is further extended for a period of one year from 1-10-2000 to 30-9-2001 under the same terms and conditions.

By order and in the name of the Governor of Goa.

*G. K. Warriar*, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 25th September, 2000.

#### Order

No. DA/Admn/45-3/2000-2001/TR-1505/73

Shri Arvind Kamat, Asstt. Accounts Officer, presently on deputation to Tool Room Training Centre Goa, Kundaim, Ponda-Goa, is repatriated to his parent cadre and posted as Asstt. Accounts Officer in the Irrigation Department. (Chief Engineer, Irrigation), Panaji against the vacancy caused due to the sudden demise of late Shri U.R. Kaloji, Asstt. Accounts Officer. The deputation period of Shri Arvind Kamat in Tool Room & Training Centre Goa stands curtailed from the date he is relieved from the said organisation.

Shri Arvind Kamat shall look after the charge of the Tool Room & Training Centre Goa, in addition to his own duties in Irrigation Department, until further orders.

This order shall have immediate effect.

Shri Kamat shall send C.T.C./Joining Report to this Directorate on reporting to his new assignment.

By order and in the name of the Governor of Goa.

*G. K. Warriar*, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 25th September, 2000.

**Order**

No. DA/Admn/45-3/2000-01/TR-1520/77

Read:- Order No. DA/Admn/45-3/2000-01/TR-1302/59 dtd. 31-8-2000.

On the recommendation of D.P.C. as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1(2)/92-98/Vol. II dated 9-8-2000, Government is pleased to promote Shri Avelino C. Dias, Accountant of the Common Accounts Cadre presently holding the post of Asstt. Accounts Officer on adhoc basis vide above cited order to the post of Asstt. Accounts Officer (Group 'B' Gazetted) in the pay scale of Rs. 5500-175-9000 on officiating basis with immediate effect. On his promotion Shri Dias, Asstt. Accounts Officer is posted in the Directorate of Accounts, South Branch Office, Margao vice Shri A. M. Jose, Asstt. Accounts Officer, promoted.

Shri Dias, shall be on probation for a period of two years in the first instance. He should exercise an option for fixation of pay under F. R. 22(I) (a) (1) within one month from the date of promotion.

On joining his new assignment, Shri Dias shall send C.T.C./Joining Report to this Directorate.

By order and in the name of the Governor of Goa.

G. K. Warriar, Director of Accounts & Ex-Officio Joint Secretary to Government.

Panaji, 26th September, 2000.

**Order**

No. DA/Admn/45-3/2000-01/TR-1521/78

Read:- Order No. DA/Admn/45-3/2000-01/TR-1303/60 dtd. 31-8-2000.

On the recommendations of D.P.C. as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1(2)/92-98/Vol. II dated 9-8-2000, Government is pleased to promote Shri Naguesh D. Bhandodkar, Accountant of the Common Accounts Cadre presently holding the post of Asstt. Accounts Officer on adhoc basis vide above cited order to the post of Asstt. Accounts Officer (Group 'B' Gazetted) in the pay scale of Rs. 5500-175-9000 on officiating basis with immediate effect.

On his promotion Shri Bhandodkar, Asstt. Accounts Officer is posted in the Directorate of Accounts, Panaji, vice Shri J. M. Lopes, promoted.

Shri Bhandodkar, shall be on probation for a period of two years in the first instance. He should exercise an option for fixation of pay under F. R. 22(I) (a) (1) within one month from the date of promotion.

On joining his new assignment, Shri Bhandodkar shall send C.T.C./Joining Report to this Directorate.

By order and in the name of the Governor of Goa.

G. K. Warriar, Director of Accounts & Ex-Officio Joint Secretary to Government.

Panaji, 26th September, 2000.

**Order**

No. DA/Admn/45-8/2000-2001/TR-1539/82

Read: Order No. 7/18/75-PER(PF) dated 7-9-2000

Consequent upon the promotion of Shri G. K. Warriar, Jt. Director of Accounts to the post of Director of Accounts, vide above cited order, his deputation period in the Goa Handicraft Rural Small Scale Industries Development Corporation, Panaji, stands curtailed with effect from his relief from the said Corporation.

By order and in the name of the Governor of Goa.

G. K. Warriar, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 27th September, 2000.

**Department of Forests****Notification**

No. 6-429-93-FD/3261

In pursuance to guidelines laid down by the Ministry of Environment & Forests, Government of India, Paryavaran Bhavan, New Delhi in their letter No. 5-5-84-FC (pt) dated 1-3-1993, the Government of Goa is pleased to re-constitute State Advisory Group constituting of the following officers.

- |  |                          |
|--|--------------------------|
| 1. Chief Conservator of Forests (Central) Regional Office, Southern Zone, Bangalore. | ... Chairman.            |
| 2. Secretary (Forests)   | ... Convenor.            |
| 3. Joint Secretary (Revenue)   | ... Member.              |
| 4. Joint Secretary (Indus. & Mines)  | ... Member.              |
| 5. Concerned Head of the Dept., of User Agency                                       | ... Member.              |
| 6. Shri Arun Bicholker, President, Sarvodaya Sports Club of Sanguem.                 | ... Member (Public Rep.) |
| 7. Shri Ramnath Shankerdas, r/o Porvorim, Bardez, Goa.                               | ... Member (Public Rep.) |

8. Conservator of Forests, Goa. ... Member Secretary.
9. Dy. Conservator of Forests, North, Ponda/South, Margao. ... Co-opted Member.

The State Advisory Group will examine the proposals involving diversion of forest areas above 5 ha. and upto 20 ha. and all proposals for regularisation of encroachments and mining upto 20 ha.

The meeting of the State Advisory Group shall normally be held once in a month at State Capital. In the course of examining the proposal if additional information is required for the processing of the proposal, the same shall be intimated to the User Agency during the meeting itself to facilitate early processing of the proposal.

By order and in the name of the Governor of Goa.

*Richard D'Souza*, Conservator of Forests & Ex-Officio Additional Secretary.

Panaji, 18th September, 2000.

### Department of Irrigation

Office of the Chief Engineer

#### Order

No. 3/25-20/85/IRRG/694

On the recommendation of the Goa Public Service Commission, as conveyed vide letter No. COM/II/11/27(1)/97 dated 14-8-1997, Government is pleased to order the promotion of Shri A. A. Kulkarni, Assistant Engineer of the Irrigation Department, Government of Goa to the post of Executive Engineer in Irrigation Department, on regular basis in the pay scale of Rs. 10,000-325-15,200, with effect from 25-9-1997 and post him in the Works Division XV, Goa Tillari Irrigation Development Corporation, Bicholim on deputation.

By order and in the name of the Governor of Goa.

*S. D. Sayanak*, Chief Engineer (Irrigation) and Ex-Officio Additional Secretary.

Panaji, 22nd September, 2000.

### Department of Labour

Office of the Commissioner of Labour

#### Order

No. IRM/CON/PONDA/(272)/99/4757

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management

of M/s. MRF Limited, Usgao, Ponda Goa, and their workman Shri Domnic Dias, represented by the Goa MRF Employees' Union, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

#### SCHEDULE

"(1) Whether the action of the management of M/s. MRF Limited, Usgao, Ponda Goa, in awarding punishment to Shri Domnic Dias of 4 days suspension from work with effect from 27-8-1997 to 30-8-1997 without wages, is legal and justified ?

(2) If not, to what relief the workman is entitled ?"

By order and in the name of the Governor of Goa.

*R. S. Mardolker*, Commissioner, Labour and Ex-Officio Joint Secretary.

Panaji, 22nd September, 2000.

#### Order

No. IRM/CON/PONDA/(190)/99/4758

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. MRF Limited, Usgao, Ponda Goa, and their workman Shri Adam Makandar, represented by the Goa MRF Employees' Union, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

#### SCHEDULE

"(1) Whether the action of the management of M/s. MRF Limited, Usgao, Ponda Goa, in awarding punishment to Shri Adam Makandar of two days suspension from work on 7-2-1997 and 8-2-1997 without wages, is legal and justified ?

- (2) If not, to what relief the workman is entitled ?"

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and  
Ex-Officio Joint Secretary.

Panaji, 22nd September, 2000.

#### Order

No. IRM/CON/PONDA/(273)/1999/4759

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. MRF Limited, Usgao, Ponda Goa, and their workman Shri J. C. Uttappa, represented by the Goa MRF Employees' Union, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act') the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

#### SCHEDULE

- "(1) Whether the action of the management of M/s. MRF Limited, Usgao, Ponda Goa, in demoting Shri J. C. Uttappa, with effect from 30-1-97, by way of punishment, is legal and justified ?

- (2) If not, to what relief the workman is entitled ?"

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and  
Ex-Officio Joint Secretary.

Panaji, 22nd September, 2000.

#### Order

No. IRM/CON/PONDA/(269)/1999/4760

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. MRF Limited, Usgao, Ponda Goa, and their workman Shri Paresh Prabhudessai, represented by the Goa MRF Employees' Union, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act') the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

#### SCHEDULE

- "(1) Whether the action of the management of M/s. MRF Limited, Usgao, Ponda Goa, in awarding punishment to Shri Paresh Prabhudessai, of two days suspension from work on 5-2-1997 and 6-2-1997, without wages, is legal and justified ?

- (2) If not, to what relief the workman is entitled ?"

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and  
Ex-Officio Joint Secretary.

Panaji, 22nd September, 2000.

#### Order

No. IRM/CON/PONDA/(268)/99/4761

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. MRF Limited, Usgao, Ponda Goa, and their workman Shri Dilbhadr Chhattri, represented by the Goa MRF Employees' Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act') the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

#### SCHEDULE

- "(1) Whether the action of the management of M/s. MRF Limited, Usgao, Ponda Goa, in awarding punishment Shri Dilbhadr Chhattri, of one day suspension from work on 26-8-1997, without wages, is legal and justified?

- (2) If not, to what relief the workman is entitled ?"

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and  
Ex-Officio Joint Secretary.

Panaji, 22nd September, 2000.

**Order**

No. IRM/CON/PONDA/(271)/1999/4762

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. MRF Limited, Usgao, Ponda Goa, and their workman Shri Sher Bahadur, represented by the Goa MRF Employees' Union, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act') the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

**SCHEDULE**

"(1) Whether the action of the management of M/s. MRF Limited, Usgao, Ponda Goa, in awarding punishment to Shri Sher Bahadur of two days suspension from work on 15-4-1998 and 16-4-1998, without wages, is legal and justified?

(2) If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and Ex-Officio Joint Secretary.

Panaji, 22nd September, 2000.

**Order**

No. CL/Pub-Awards/98/2000/3467

The following Awards dated 28-6-2000 in Reference No. IT/68/98 given by the Industrial Tribunal, Panaji-Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour & Ex-Officio Joint Secretary.

Panaji, 14th July, 2000.

IN THE INDUSTRIAL TRIBUNAL  
GOVERNMENT OF GOA  
AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/68/98

Workmen  
Rep. by the President,  
Arlem Breweries Employees Union  
Arlem, Raia, Salcete-Goa. — Workmen/Party I

v/s

M/s Arlem Breweries Ltd.,  
Margao-Goa. — Employer/Party II

Workmen/Party I -Represented by Adv. B. G. Kamat.

Employer/Party II-Represented by Adv.M. S. Bhandodker.

Panaji: dated: 28-6-2000

**AWARD**

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) Government of Goa by order dated 22-7-98 bearing No. IRM/CON/SG/(53)/96/9810 referred the following dispute for adjudication by this Tribunal.

"1. Whether the 14 workmen whose names are listed below are entitled to arrears arising out of the settlement dated 26-9-96 between M/s Arlem Breweries Ltd., Arlem and the Goa Trade and Commercial Workers' Union without they being subjected to terms of Clause (7) of the General Clauses of the said settlement ?

- |                          |                           |
|--------------------------|---------------------------|
| 1. Shri Kamalkar Shet.   | 8. Shri Jose D'Costa.     |
| 2. Shri T. Y. Gadekar.   | 9. Shri Dilip Alvea       |
| 3. Shri Janardhan Kamat. | 10. Shri M. A. Fernandes. |
| 4. Shri John Gracias     | 11. Shri M. C. Silvia.    |
| 5. Shri Tomas Pereira.   | 12. Shri Peter X.         |
| 6. Shri Agnelo J.        | Fernandes.                |
| Fernanes.                | 13. Shri M. V. Pandit.    |
| 7. Shri Khot Kamle.      | 14. Shri Rocky Dias.      |

II. If not, to what relief the workmen are entitled?"

2. On receipt of the reference a case was registered as case No. IT /68/98 and registered A/D notice was issued to the parties. In pursuance to the said notice the parties put in their appearance. The Workman/Party I (for short, "Union") filed its statement of claim at Exb.5. The facts of the case in brief as pleaded by the union are that some workers of the Employer/Party II (for short "Employer") are the members of its union and some workers are the members of the Goa Trade and Commercial Workers' Union (for short GTCW Union). That on termination of the settlement dated

21-10-92 both the Unions submitted their respective charter of demands to the employer. That in order to decide as to which union should be invited for negotiations it was agreed before the Registrar of Trade Union on 22-12-95 that secret ballot would be held for deciding the representative character of the union on certain terms and conditions. That secret ballot was on 10-1-96 which shows that CTCW union was representative union who could enter into negotiations with the employer and arrive at the settlement. That on 25-9-96 the union came to known from the office of the Conciliation Officer Margao-Goa about the proposed signing of the settlement on 26-9-96 and knowing the contents of the said settlement the union vide letter dated 25-5-96 protested to the Conciliation officer about proposed clause regarding agreement Fee of Rs. 500/- per worker. That inspite of protest the settlement was signed by the GTCW union with the employer in the presence of the Conciliation Officer on 26-9-96 retaining the said clause being the clause No. 7 of the settlement which reads as follows:

Clause 7: That the Management of Arlem Breweries Ltd., shall deduct at source a sum of Rs. 500/- from the arrears payable to each worker employed in Arlem Breweries Ltd., who is a beneficiary of this settlement and the total sum collected shall be remitted by cheque to the "Goa Trade & Commercial Workers Union". The arrears will be paid subject to written acceptance of the terms of the settlement by the individual worker to the management.

That subsequently the employer sought a so called authority letter from the member of the union authorising the employer to deduct the sum of Rs. 500/- from the arrears payable, for paying to GTCW union. That the union resisted the said action of the employer and 14 workers of the employer who are the members of the union and whose names are mentioned in the present reference refused to give the authorisation letter to the employer. The union contented that the 14 workers who are the parties to the present reference are entitled to the payment of arrears arising out of the settlement without being subjected to the terms of clause 7 of the said settlement. The union prayed that the award be passed directing the employer to pay the said workers their arrears arising out of the settlement dated 28-9-96 without being subjected to the terms of the clause 7 of the General Clause of the settlement.

3. The employer filed written statement at Exb. 6. The employer stated that the reference is bad in law and not maintainable on the grounds set up in the written statement. Without prejudice to the above contention, the employer stated that all along the employer has been signing the settlements with the majority union and the said settlements are always accepted by all the workmen. The employer admitted that after the expiry of the settlement dated 30-9-95 both the unions submitted charter of demands and

vide memorandum of Agreement dated 22-12-95 it was decided to hold secret ballot to decide the majority character of the union and also to decide the sole bargaining agency in respect of the matters in any of the Industrial dispute of collective nature and that it was further agreed that even industrial dispute of individual nature of individual workman including members of the minority union shall be taken up by the majority union for appropriate settlement. The employer stated that after taking the secret ballot the Registrar of Trade Union by order dated 10-1-96 declared GTCW union as possessing the majority character. The employer stated that subsequent to the said order, negotiations were held and a settlement was arrived dated 26-9-96 before the Conciliation Officer under Sec. 12-(3) of I. D. Act 1947. The employer stated that since the said settlement was arrived in the conciliation proceeding it is binding on all the workmen and therefore the dispute raised by the union is bad in law and not maintainable. The employer denied that any protest letter was received by them from the union. The employer stated that clause 7 incorporated in the settlement is fair and reasonable and no dispute can be raised as the said settlement is binding on all the workmen and this tribunal has no jurisdiction to hold that the settlement is bad in law and not maintainable. The employer denied that the 14 workmen who are parties to the present reference are entitled to payment of arrears arising out of the settlement dated 26-9-96 without being subjected to the terms of clause 7 of the General clause of the settlement. The employer denied that the workmen are entitled to any relief as claimed by the union.

4. On the pleadings of the parties issues were framed at Exb. 7 and thereafter the case was fixed for the evidence of the union. On 22-11-99 when the case was fixed recording the evidence of the Union, the union filed an application dated 22-11-99 at Exb. 8 signed by the President and General Secretary of the Union stating that the union has decided not to proceed with adjudication of the about dispute and that the union does not want to proceed further with the reference. Adv. Shri M. S. Bandodker representing the employer submitted that since the union is not pressing for the reference, the necessary award be passed and he made the endorsement to that effect on the said application.

5. The dispute in the present reference was raised by the union namely Arlem Breweries Employees' Union on behalf of the 14 workers whose names are mentioned in the reference. The reference of the dispute was made by the Government at the instance of the union. As per the application dated 22-11-99 Exb. 8 the union has clearly stated that it does not want to proceed with the adjudication of the present dispute and does not want to proceed further with the reference. This being the case the dispute



does not exist and consequently the reference does not survive.

In the circumstances I pass the following order.

### ORDER

It is hereby held that the dispute referred by the Government does not exist and consequently the reference made by the Government does not survive.

No order as to cost.

Inform the Government accordingly.

Sd/-

(AJIT J. AGNI),

Presiding Officer,  
Industrial Tribunal.

### Department of Personnel

### Order

No. 7/12/98-PER

Whereas, Shri Bipin Behari, IFS, was transferred by the Government of India, Ministry of Environment & Forests, vide order No. A-22011/1/2000-IFS-I dated 1-9-2000 without consultation with the State Government as required under Rule 5 of the Indian Forest Services (Cadre) Rules, 1966; and

Whereas, the Government of Goa has not accepted the said transfer/posting and hence did not give him any posting till date; and

Whereas, Shri Bipin Behari had submitted a joining report to the Conservator of Forests, Government of Goa, Panaji, and continued here from 5/9/2000 and, as his order was issued by the Ministry of Environment & Forests, the State Government is of the opinion that the officer cannot be made to suffer on this count and hence, as a special case it is decided to allow him to draw pay and allowances from the post of Joint Secretary (Personnel), Secretariat since the period he has reported for duties to Conservator of Forests; and

Whereas, the Government of Goa has further decided to have this amount reimbursed to this State Government from the Ministry of Environment & Forests.

Now, therefore, the Government has decided to relieve Shri Bipin Behari, IFS, with immediate effect, with instructions to report for duty to the Ministry of Environment and Forests, New Delhi.

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 25th September, 2000.

### Order

No. 7/12/98-PER

Whereas, Shri R. K. Singh, IFS, was transferred by the Government of India, Ministry of Environment & Forests, vide order No. 22011/1/95-IFS-I dated 10-1-2000 without consultation with the State Government as required under Rule 5 of the Indian Forest Services (Cadre) Rules, 1966; and

Whereas, the Government of Goa has not accepted the said transfer/posting and hence did not give him any posting till date; and

Whereas, Shri R. K. Singh, had submitted a joining report to the Conservator of Forests, Government of Goa, Panaji, and continued here from 18/4/2000 and, as his order was issued by the Ministry of Environment & Forests, the State Government is of the opinion that the officer cannot be made to suffer on this count and hence, as a special case it is decided to allow him to draw pay and allowances against the post of Deputy Conservator of Forests (Cashew) since the period he has reported for duties to Conservator of Forests; and

Whereas, the Government of Goa has further decided to have this amount reimbursed to this State Government from the Ministry of Environment & Forests.

Now, therefore, the Government has decided to relieve Shri R. K. Singh, IFS, with immediate effect, with instructions to report for duty to the Ministry of Environment and Forests, New Delhi.

This order is issued without prejudice to rights and contentions of the State Government in the Writ Petition No. 300/2000 filed by Shri R. K. Singh before the Bombay High Court at Panaji.

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 25th September, 2000.

### Order

No. 3/1/80-PER-Vol. II

In pursuance to the Government of India, Ministry of Home Affairs Order No. 14016/16/97-UTS, dated 8/9/2000, the Governor of Goa is pleased to relieve Shri Hargobinder Singh Dhaliwal, IPS (AGMU:97), Dy. Superintendent of Police (H.Q.) Goa, with immediate effect with direction to report the advisor to the Administrator, Chandigarh Administration, Chandigarh.

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 25th September, 2000.

## Department of Public Health

**Order**

No. 21/3/96-I/PHD

Consequent upon she being re-instated in service, Dr. (Mrs.) Rekha G. Pednekar, Medical Officer is posted at Primary Health Centre, Aldona, vice Dr. Jaime Rangel transferred.

Dr. Jaime Rangel, Medical Officer, Primary Health Centre, Aldona is hereby transferred and posted at Asilo Hospital Mapusa, with immediate effect, in public interest vice Dr. (Mrs.) Rekha G. Pednekar, Medical Officer.

By order and in the name of the Governor of Goa.

*T. J. Faleiro*, Joint Secretary (Health).

Panaji, 22nd September, 2000.

**Order**

No. 8/48/91-IV/PHD

On the recommendation of Goa Public Service Commission vide their letter No. COM/II/11/14 (1)/2000 dated 1st August, 2000, Government is pleased to promote Dr. Anita E. Spadigam, Assistant Professor in Oral Pathology in Goa Dental College & Hospital, Bambolim, on regular basis in the pay scale of Rs. 14300-400-18300+NPA with immediate effect.

Dr. Anita E. Spadigam shall be on probation for a period of one year from the date of assuming charge of the post.

By order and in the name of the Governor of Goa.

*T. J. Faleiro*, Joint Secretary (Health).

Panaji, 22nd September, 2000.

## Department of Revenue

**Notification**

No. 22/72/2000-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter

referred to as the "said land") is likely to be needed for public purpose viz. for development of Government School playground at Assolna in Salcete Taluka.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Dy. Collector (LA), Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. Deputy Collector (LA), Margao.
3. Director of Sports & Youth Affairs, Panaji.
4. Director of Settlement & Land Records, Panaji.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector (LA), Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

## SCHEDULE

(Description of the said land)

Taluka: Salcete

Village: Assolna

Survey, No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3

104/1	O: Comunidade of Assolna. T: Floriano Vaz.	3000
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*Boundaries:*

North Sr. No. 101/15, 10,4,5,8.

104/2	O: Comunidade of Assolna. T: Lena Mendes. Roque S. Fdes	2700
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*Boundaries:*

North Sr. No. 101/14, 10, 13,12

104/3	O: Comunidade of Assolna. T: Rubina Pinto.	1900
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*Boundaries:*

South Sr. No. 105/12

104/4	O: Comunidade of Assolna. T: Corlito Diniz.	1400
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*Boundaries:*

East Sr. No. 104/2 to 12

104/5	O: Comunidade of Assolna. T: Lorencinha Silva.	800
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*Boundaries:*

East Sr. No. 105/1 to 12.

104/6	O: Comunidade of Assolna. T: Gilnota Pais.	800
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*Boundaries:*

West - Nala.

104/7	O: Comunidade of Assolna. T: Marsalo Fdes.	800
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*Boundaries:*

West - Nala.

104/8	O: Comunidade of Assolna. T: Ubaldino Pais.	800
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104/9	O: Comunidade of Assolna. T: Antoneta Silva.	800
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104/10	O: Comunidade of Assolna. T: Caetano Filisia Colaco.	800
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104/12	O: Comunidade of Assolna. T: Maria Magdelene Noronha.	2600
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105/1	O: Comunidade of Assolna. T: Filomena Silva Lobo.	2700
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105/2	O: Comunidade of Assolna. T: Rosalina Viegas Noronha.	1100
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105/3	O: Comunidade of Assolna. T: Sedina Pinto.	1200
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105/4	O: Comunidade of Assolna. T: Antoneta Silva.	1000
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105/5	O: Comunidade of Assolna. T: Elvira Silva.	1000
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105/6	O: Comunidade of Assolna. T: Brunil D'Silva Lobo.	1800
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105/7	O: Comunidade of Assolna. T: Elvira Silva.	1000
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105/8	O: Comunidade of Assolna. T: Ubaldina Pais.	1000
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105/9	O: Comunidade of Assolna. T: Gilmota Pais.	1000
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105/10	O: Comunidade of Assolna. T: Lily Pereira.	1000
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105/11	O: Comunidade of Assolna. T: Veronhia Pereira.	1000
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Total ..... 30200

By order and in the name of the Governor of Goa.

Sanjiv Gadkar, Under Secretary (Revenue).

Panaji, 25th September, 2000.

Department of Weights &amp; Measures

Order

No. 1/77/88/CLM

On recommendation of the DPC as conveyed by the  
Goa Public Service Commission, vide its letter No. COM/

/II/11/52(1)/92, dated 20-09-2000, the Government is pleased to promote Shri N. M. Naik, Assistant Controller, Legal metrology, Group 'B' Gazetted Officer, to the post of the Controller, Legal Metrology, (Weights and Measures), (Group 'A' Gazetted), in the pay scale of Rs. 8000-275-13500 on regular basis, in the Office of Controller, Legal Metrology (Weights and Measures), Panaji, with immediate effect.

2. He shall be on probation for a period of two years.

3. The expenditure thereon is debitable to the Budget Head 3475-Other General Economic Services, 106 — Regulation of Weights and Measures, 01 — Metric System (Non-Plan) 01-Salaries.

By order and in the name of the Governor of Goa.

C. V. S. Ramarao, Secretary (Legal Metrology)  
Weights and Measures.

Panaji, 26th September, 2000